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John M. Howell 33,713
Name of Attorney Registration No.
John M. Howell
Signature of Attorney

P&G Case C-234

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
E. L. EVANS ET AL. : Confirmation No. 5067
Serial No. 10/019,042 : Group Art Unit 1619
Filed December 20, 2001 : Examiner

For COSMETIC COMPOSITIONS CONTAINING A QUATERNARY AMMONIUM
COMPOUND AND TOCOPHERO

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☐ 37 C.F.R. §1.97 (b)(1) - U.S. Direct (within 3-months of filing a regular application or converted provisional)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(1), is being filed within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☐ 37 C.F.R. §1.97 (b)(2) - Via PCT (within 3 mo. of Nat'l Stage Entry)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(2), is being filed within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application. Therefore, no fee is believed to be due.

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3. ☒ 37 C.F.R. §1.97 (b)(3) - (>3 mo. after filing direct or nat'l stage entry, but before 1st O.A.)

This information disclosure statement is being submitted under 37 C.F.R. §1.97 (b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter is enclosed to facilitate charging of the fee, if necessary.

THE FOLLOWING IS ADDITIONAL INFORMATION PERTAINING TO (2) OR (3) MARKED WITH AN (X) ABOVE.

(a) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that both a copy of the International Search Report and copies of the references cited therein are present in the national stage file. In accordance with MPEP §1893.03(g), it is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(b) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that a copy of the International Search Report is present in the national stage file. Copies of the references cited in that report are enclosed.

(c) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 does not indicate that a copy of the International Search Report and copies of the references cited are present in the national stage file. Copies of the International Search Report and references are attached.

4. ☐ 37 C.F.R. §1.97 (b)(4) - (before the mailing of a first Office Action after the filing of a request for continued examination under §1.114)

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(4), is being filed with the Request for Continued Examination (RCE) under 37 C.F.R. §1.114.

5. ☐ Information to be Considered with CPA Filing. This information disclosure statement is being filed with a Continued Prosecution Application (CPA) filed under 37 CFR 1.53(d).

6. ☐ 37 C.F.R. §1.97(c) with fee payment - (use after 1st Office Action & before Final Office Action or Notice of Allowance)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter is enclosed to facilitate the charging of the fee.

ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:

☐ (1) Copies of the cited references were previously cited by or submitted to the USPTO in prior application Case No. ____, U.S. Patent Application Serial No. __, filed __. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of those documents are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d).

OR

☒ (2) Copies of the cited documents are enclosed.

OR

☐ (3) Copies of all said documents, except document No.'s _____, were submitted and considered in parent application U.S. Patent Application Serial No. _____, filed _____. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of document No.'s _____ are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of document No.'s _____ are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

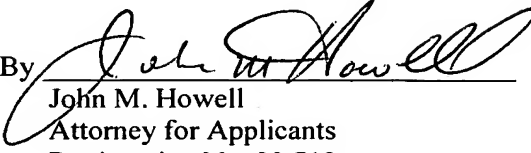
☐ (4) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is provided.

☒ (5) Applicants also respectfully request the Examiner to consider and make of record the copending applications listed on the attached page.



Additional information is attached.

Respectfully submitted,

By 
John M. Howell
Attorney for Applicants
Registration No. 33,713
(513) 626-3792

Apr 23, 2002

Customer No. 27752

COPENDING APPLICATIONS

Entire copies of all co-pending applications (or the portion of the application and claims that caused it to be cited) must be sent with the IDS (see 37 CFR 1.98(a)(2)(iii))

<u>Atty. Docket No.</u>	<u>Serial Number</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
CM2341	10/019,044	Evans et al.	12/20/2001

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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SHEET 1 of 2

COMPLETE IF KNOWN

Application Number	10/019,042
Confirmation Number	5067
Filing Date	12/20/2001
First Named Inventor	Erica Louise Evans
Group Art Unit	1619
Examiner Name	
Attorney Docket Number	CM2340

U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	U.S. PATENT DOCUMENT Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	01	5,145,604	A	Neumiller	09/08/1992	
	02	5,804,205	A	Epstein et al.	09/08/1998	
	03	5,916,575	A	McAtee et al.	06/29/1999	
	04	5,989,529	A	Kaplan	11/23/1999	
	05	6,013,271	A	Doughty et al.	01/11/2000	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	FOREIGN PATENT DOCUMENT Office ³	Number ⁴	Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
	06	EP	0 287,876	A1	Henkel Komm.	10/26/1988		Abstract
	07	EP	0 768 081	A1	Kao Corporation	04/16/1997		Abstract
	08	EP	0 775,479	A1	L'Oreal	05/28/1997		
	09	EP	0 780,116	A1	Shiseido Co. Ltd.	06/25/1997		
	10	EP	0 789,076	A2	Takeda Chem. Inc.	08/13/1997		
	11	EP	0 922 740	A1	Shiseido Co., Ltd.	06/16/1999		
	12	EP	0 953 336	A1	Kao Corporation	11/03/1999		Abstract Only
	13	EP	0 992 455	A1	Shiseido Co. Ltd.	04/12/2000		
	14	JP	10-298149	A	Lion Corp	11/10/1998		Abstract Only
	15	WO	90/03161	A1	Inolex Chem. Co.	04/05/1990		
	16	WO	92/09264	A2	Richardson-Vicks	06/11/1992		
	17	WO	92/19214	A2	Richardson-Vicks	11/12/1992		
	18	WO	95/23578	A1	Unilever PLC	09/08/1995		
	19	WO	96/03970	A1	Witco Corp.	02/15/1996		
	20	WO	96/32089	A1	A. Jergens Co.	10/17/1996		
	21	WO	97/01326	A1	Procter & Gamble	01/16/1997		
	22	WO	97/29735	A1	Monash University	08/21/1997		
	23	WO	97/39733	A1	Procter & Gamble	10/30/1997		
	24	WO	98/12292	A1	Procter & Gamble	03/26/1998		
	25	WO	98/18444	A1	Procter & Gamble	05/07/1998		
	26	WO	98/22085	A1	Procter & Gamble	05/28/1998		
	27	WO	98/46199	A1	Capsulis	10/22/1998		Abstract
	28	WO	98/52530	A1	Procter & Gamble	11/26/1998		
	29	WO	99/24008	A1	Dulak Michael	05/20/1999		
	30	WO	99/27904	A1	Johnson & Son Inc.	06/10/1999		
	31	WO	00/00172	A1	Procter & Gamble	01/06/2000		
	32	WO	00/00173	A1	Procter & Gamble	01/06/2000		

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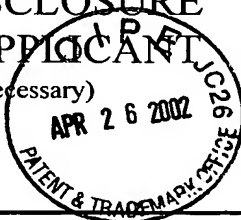
COMPLETE IF KNOWN

Application Number	10/019,042
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

SHEET 2 of 2



Confirmation Number	5067
Filing Date	12/20/2001
First Named Inventor	Erica Louise Evans
Group Art Unit	1619
Examiner Name	
Attorney Docket Number	CM2340

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
	33	Weise, H., et al., Acceleration of Superficial Wound Healing by Panthenol Zinc Oxide", Cosmetics & Toiletries, Vol. 103, pp. 79-84 (October 1988).	
EXAMINER		DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, D.C. 20231.